

**MINUTES OF THE
SENATE JUDICIAL CONFIRMATION COMMITTEE**
Tuesday, May 11, 2010 – 2:30 p.m. – Room 450 State Capitol

Members Present:

Sen. Scott K. Jenkins, Chair
Sen. Jon J. Greiner
Sen. Lyle W. Hillyard
Sen. Karen Mayne

Members Absent:

President Michael G. Waddoups

Staff Present:

Ms. Esther D. Chelsea-McCarty, Associate General Counsel
Mr. Jerry D. Howe, Policy Analyst
Ms. Amanda K. Majers, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Jenkins called the meeting to order at 2:31 p.m. The Committee introduced themselves to the candidate and the audience. The candidate, Judge Michele M. Christiansen, introduced her family, friends, and colleagues to the Committee.

MOTION: Sen. Hillyard moved to close the meeting for the purpose of discussing the character, professional competence, or physical or mental health of Judge Michele M. Christiansen. The motion passed unanimously.

MOTION: Sen. Hillyard moved to open the meeting. The motion passed unanimously.

2. Interview of Judge Michele M. Christiansen

Judge Christiansen was placed under oath by Mr. Howe. She provided a background of her personal life and her family history. Judge Christiansen also outlined her professional career, including positions as clerk for Judge Tena Campbell; attorney at Parsons, Behle, and Latimer; prosecutor at the United States Attorney's Office; director of Utah Commission on Criminal and Juvenile Justice; general counsel to Governor Jon Huntsman Jr.; and a judge in the Third District Court. She stated that being a judge has deepened her understanding of the law and noted that it is the foundation of our society. Judge Christiansen explained that working in all three branches of government has increased her understanding of the importance of each branch. She informed the Committee that she is committed to respecting people who come before her as a judge. Judge Christiansen explained her judicial philosophy.

Sen. Hillyard noted that some concern was expressed that Judge Christiansen may be too young and too lenient to be an appellate court judge. Judge Christiansen stated that she would currently be the youngest judge on the Court of Appeals. She explained that she is older than her years in her understanding, experience, temperament, demeanor, and understanding of the people of Utah. Judge Christiansen stated that she has a great range of experience; in that, she has been a judge, an attorney in private practice, and a prosecutor and has also worked with the governor and the Legislature. She spoke to the concern of leniency saying that, depending on the type of offense, everyone deserves a second chance, especially those who suffer from mental health issues and addiction. In those situations, Judge Christiansen said she attempts to make decisions that are best for the community and for the defendants who come before her.

Sen. Greiner asked about Judge Christiansen's participation in community service. Judge Christiansen answered that her involvement in the community often stems from her families' interests.

Sen. Greiner also inquired about her leniency and experience as a judge. She reiterated her decisions are not result driven. Judge Christiansen remarked that she can have sympathy and respect for a party before her, but stated that her decisions are made by following, interpreting, and applying the law. She commented that her interest in being an appellate court judge is not to develop the law or be an activist judge, but to review cases correctly and to make decisions based on precedence.

Sen. Greiner inquired about Judge Christiansen's approach to appellate review. Judge Christiansen answered that she would be respectful when overturning another judge's decision.

Sen. Mayne asked about character flaws Judge Christiansen may possess. Judge Christiansen stated that she tends to be a quiet person and not as able to communicate negative feelings, but her experience as a district court judge has helped her be able to give directions and orally state opinions. Judge Christiansen mentioned that she is a good writer and would be able to capably express rulings as an appellate court judge.

Sen. Mayne stated she believes one grows from difficult situations, and asked what challenges Judge Christiansen has had to overcome. Judge Christiansen answered that she comes from a family of engineers, and as a student she thought she would follow in that field. She stated that she failed in that attempt, but that experience lead her to the law and taught her to value her skills.

Chair Jenkins stated that Judge Christiansen's resume was impressive. He expressed appreciation for her experience in the political environment, her work ethic, and her family background. Chair Jenkins mentioned that Judge Christiansen's youth might be an asset to the Court of Appeals.

Chair Jenkins asked if there is anything in Judge Christiansen's past that may embarrass the judiciary or the state if it were to become generally known. Judge Christiansen answered that her response remains the same as it was when she was confirmed to the Third District Court, and that answer is no.

MOTION: Sen. Greiner moved to favorably recommend to the full Senate that Judge Michele M. Christiansen be confirmed as a judge on the Court of Appeals. The motion passed unanimously.

3. Other Items / Adjourn

MOTION: Sen. Greiner moved to adjourn. The motion passed unanimously.

Chair Jenkins adjourned the meeting at 4:03 p.m.